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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,277	09/26/2003	Nobuhiro Tomari	OKI.580	9370

7590 06/10/2004
VOLENTINE FRANCOS, P.L.L.C.
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EXAMINER

NGUYEN, HIEP

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,277

Applicant(s)

TOMARI ET AL.

Examiner

Hiep Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 26092004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it contains a plurality of paragraphs. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hastings (6,429,723).

Regarding claims 1 and 2, figure 4 of Hastings shows a switch circuit comprising:

an input terminal (IN) which receives an input signal;

an internal circuit (not shown coupled to the output OUT) which executes a predetermined function;

a first switch element (MN1) which is coupled between the input terminal and the internal circuit and which has a control gate receiving a control signal ($\phi 2$), first electrode coupled to the input terminal, and a second electrode; and

a second switch element (MP1) which is coupled between the input terminal and the internal circuit and which has a control gate receiving the control signal ($\phi 2$), a first electrode coupled to the second electrode of the first switch element and a second electrode coupled to the internal circuit. The first MOS transistor (MN1) is an n-type and the second MOS transistor (MP1) is a p-type.

Regarding claim 4, the first and second switch elements are connected in series. Thus, it is inherent that the first switch element can be alternately n-type/p-type transistor and the second switch element can be alternately p-type/n-type transistor.

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Regarding claims 3 and 5, the first and second MOS transistors (MN1, MP1) have the substrate connected as recited in claims 3 and 5

Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al. (6,566,927).

Regarding claim 1, figure 11 of Park shows a switch circuit comprising:

- an input terminal (D) which receives an input signal;

- an internal circuit (not shown coupled to the output QB) which executes a predetermined function;

- a first switch element (1121) which is coupled between the input terminal and the internal circuit (not shown coupled to the output QB) and which has a control gate receiving a control signal (clk), first electrode coupled to the input terminal, and a second electrode; and

- a second switch element (1122) which is coupled between the input terminal and the internal circuit and which has a control gate receiving the control signal (clk), a first electrode coupled to the second electrode of the first switch element and a second electrode coupled to the internal circuit (not shown coupled to the output OUT).

Regarding claim 6, the third switch element is switch (1123) receiving clock signal (clk). The other internal circuit (not shown coupled to the output (Q))

Regarding claim 7, the recitations "an analog circuit" and "a digital circuit" are merely intended use thus, it does not further limit the limitations of the claim. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed **apparatus from a prior art apparatus satisfying the claimed structural limitations. Therefore, this limitation has not been given patentable weight.**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep Nguyen whose telephone number is (571) 272-1752. The examiner can normally be reached on Monday to Friday from 7:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hiep Nguyen

06-04-04



TUAN T. LAM
PRIMARY EXAMINER